

**BOARD OF APPEALS CASE NO. 4899**

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**BEFORE THE**

**APPLICANT: Henry Maeser, III**

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**ZONING HEARING EXAMINER**

**REQUEST: Special Exception to allow  
professional services with free-standing  
sign in the VR District; 1726 West  
Jarrettsville Road, Jarrettsville**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 4/7/99 & 4/14/99**

**HEARING DATE: June 9, 1999**

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**Record: 4/9/99 & 4/16/99**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant is Henry Maeser. The Applicant is requesting a Special Exception to Section 267-53(H)(6) of the Harford County Code, to allow professional services in a Village Residential District, and a Special Exception to Section 219-13(A)(1)(b) of the Harford County Sign Code to permit a free-standing sign in a Village Residential District.

The subject parcel is located at 1726 West Jarrettsville Road in the Fourth Election District. The parcel is identified as Parcel No. 56 in Grid 1-B on Tax Map 32. The parcel contains .482 acres, more or less, all of which is zoned Village Residential. The parcel is owned by Dr. Edward Kelly.

Mr. Henry Maeser, III, appeared and testified that he is a professional architect and has been retained by Dr. Edward Kelly, a practicing dentist, to advise him in this matter. Mr. Maeser said the property is improved by a single-family dwelling and that the adjoining property at 1728 West Jarrettsville Road is Dr. Kelly's permanent residence. Mr. Maeser said that Dr. Kelly has conducted his practice from the premises for approximately 2 years and that approval of the Special Exception for professional services and a Special Exception for a free-standing sign will not adversely impact the neighborhood because there are other commercial uses in the immediate area and also free-standing signs. The witness said that Dr. Kelly will be the only professional on the premises and that he currently employs one clerical person and one dental hygienist.

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Mr. Maeser said that the Applicant will maintain a minimum 10 foot buffer between the parking area and any adjacent residential lot and that the gross floor area in use will not exceed 5,000 square feet. Mr. Maeser said that the proposed free-standing sign will be at least 10 feet from the road right-of-way, will not exceed 6 feet in height, and the sign area will not exceed 4 square feet. Mr. Maeser said he has reviewed the "Limitation, Guides and Standards" set forth in Section 267-9(I) and did not feel that Dr. Kelly's proposal would impact that Section of the Code.

No protestants appeared in opposition to the Applicant's request and the Staff Report of the Department of Planning and Zoning did not make a recommendation but provides:

"The conversion of this property to a professional use is one of several conversions in the immediate neighborhood. These types of uses must retain a residential character in appearance. Due to the Code standards and the intensity of other uses permitted within the Village Residential District, the proposed request should not adversely impact the neighborhood."

### **CONCLUSION:**

The Applicant is requesting a Special Exception to Section 267-53(H)(6) to operate a dental office in a Village Residential District. Section 267-53(H)(6) provides:

"Professional services. These uses may be granted in the VR District, provided that:

- (a) A buffer yard of ten (10) feet is provided between the parking area and any adjacent residential lot.
- (b) Gross floor area shall not exceed five thousand (5,000) square feet."

The Applicant is also requesting a Special Exception to the Harford County Sign Code to permit a free-standing sign in the Village Residential District. Section 219-13(A)(1)(b) provides:

"Freestanding signs may be permitted as a special exception, subject to the approval of the Board, provided that they are located not less than ten feet from the road right-of-way, do not exceed six feet in height and do not have a sign area exceeding four square feet."

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The uncontradicted testimony of Applicant's expert witness was that a buffer yard of 10 feet will be provided around the parking area and that the gross square footage of the professional service will not exceed the 5,000 square foot maximum. The testimony also indicated that the proposed sign will not be located less than 10 feet from the road right-of-way, will not exceed 6 feet in height, nor have a sign area exceeding 4 square feet.

No evidence was introduced to indicate that approval of the Applicant's request on the subject parcel would have any greater impact than if located elsewhere in the Village Residential District. Conversely, the evidence indicates that there are other similar non-residential uses in the immediate area which have not adversely impacted the Village Residential District. The evidence also indicates that the Applicant's expert witness has considered the "Limitations, Guides and Standards" set forth in Section 267-9(I) and felt that the Applicant's request would not create an adverse impact.

Therefore, it is the recommendation of the Hearing Examiner that the Special Exception for professional services and a Special Exception to the Sign Code be approved, subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the conversion of the residential dwelling to a full dental office in accordance with the approved site plan.
2. The Applicant shall relocate the sign to comply with the Sign Code and obtain a permit.

Date            JULY 2, 1999

L. A. Hinderhofer  
Zoning Hearing Examiner